

## REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-31 are pending in this application. Claim 9 has been amended by way of the present amendment. Claims 5-8 and 18-31 have been withdrawn from consideration.

In the Office Action, claims 9 and 10 are rejected under 35 U.S.C. §102(a) as being anticipated by Nakajima et al. (U.S. Patent No. 5,999,345). Claims 1, 4, 11, and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al. in view of Imakawa et al. (U.S. Patent No. 5,671,077). Claims 2-3, 12, and 14-17 are objected to as being dependent upon a rejected base claim, but are otherwise allowable.

Regarding the rejection of claims 9 and 10 under 35 U.S.C. § 102(a), the Applicants respectfully request reconsideration. These claims recite a multibeam scan apparatus comprising a light source and an aperture. The light source emits light beams, wherein outgoing beam direction in which the light beams travel being arranged so as to cross each other. The aperture is arranged to shape the light beams.

Nakajima et al. relates to a multi-beam light source unit. Unlike the recitations of 9 and 10, Nakajima et al. does not disclose an aperture arranged to shape light beams. At least for this reason, a *prima facie* case of anticipation has not been established.

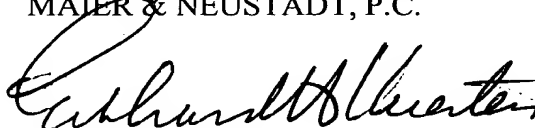
Regarding the rejection of claims 1,4,11, and 13 under 35 U.S.C. § 103(a), the Applicants respectfully request reconsideration. Nakajima et al. does not qualify as prior art under 35 U.S.C. § 103(c). The present application was filed in the United States on April 19, 2000. Nakajima et al. issued as a patent on December 7, 1999. Accordingly, under 35 U.S.C. § 102, Nakajima et al. can qualify as prior art only under 35 U.S.C. § 102(e) and not 35 U.S.C. § 102(b). Both the present application and Nakajima are assigned to Ricoh

Company, Ltd. Further, the inventors of both Nakajima et al. and the present application are under the same obligation to assign the present application of Nakajima et al. to Ricoh Company, Ltd. Accordingly, under 35 U.S.C. § 103(c), Nakajima et al. does not qualify as prior art.

In view of the above, it is believed that this application is in condition for allowance, such a notice is respectfully solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Eckhard H. Kuesters  
Registration No. 28,870  
Attorneys of Record



**22850**

Tel. No. (703) 413-3000  
Fax No. (703) 413-2220  
GJM:EHK:DHS:cbf  
I:\atty\dhs\0557\05574969.am.wpd

**Marked-Up Copy**

Serial No: 09/552,657

Amendment Filed on:

January 11, 2002

**IN THE CLAIMS**

Please amend claim 9 as shown below.

9. (Amended) A multibeam scan apparatus comprising:

a light source emitting light beams, outgoing beam directions in which the light beams travel being arranged so as to cross each other;

a deflection unit deflecting the light beams; [and]

an optical unit causing the light beams from the deflection unit to form images on a scanned surface;

an apperture arranged to shape the light beams.